

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CITIBANK, N.A.,

Plaintiff and Counter-  
Defendant,

-against-

MORGAN STANLEY & CO.  
INTERNATIONAL, PLC,

Defendant and  
Counterclaimant.

09 Civ. 8197 (SAS)

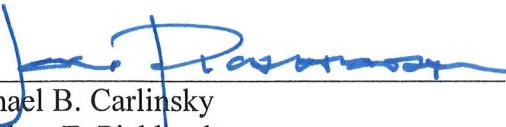
**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and supporting Declaration of Jonathan E. Pickhardt, dated February 26, 2010, Defendant Morgan Stanley & Co. International, PLC hereby moves this Court, before the Hon. Shira A. Scheindlin, in Courtroom 15C at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for a judgment and order, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, granting Defendant judgment on the pleadings and dismissing the Complaint for failure to state a claim upon which relief may be granted, and granting any such relief as this Court deems just and proper.

DATED: New York, New York  
February 26, 2010

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